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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,343	02/14/2000	Brent C. Parent	65,678-0011(DCCIE 5298)	7770

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EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 07/10/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/504,343

Applicant(s)

PARENT ET AL.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED, (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Status of Claims

1. Claims 1-21 have been examined.

Response to Amendments/Arguments

2. The Examiner withdraws the 101 rejection applied to claims 16, 17, 19 and 20.

The Examiner has carefully considered the Applicant's arguments but they are found to be non-persuasive.

Claims 1-7 and 10-21

1. Regarding "second user" the Applicant correctly points out that Erickson teaches the buyer requests bids from suppliers (paper no. 9, page 11, item 1, last line, second paragraph). The supplier of the Erickson system meets the limitations associated with a second user, as the supplier searches for bid requests and inputs data into a market database for first users to construct said bid request (column/line 2/65-3/12; column 3, lines 13-30 and 43-51; column 7, lines 14-18) and in response to first user actions, makes bids on bid requests (e.g. assets) (column/line 3/43-5/32; column/line 13/5-14/55).

2. The Applicant contends that it would not be obvious to modify Erickson to encompass purchases, rental and lease transactions. The Examiner respectfully disagrees. Claim 1 recites "at least one of..." therefore, as Erickson discloses purchasers (column 1, lines 28-57), the prior art reads on this limitation. However, to one of ordinary skill, "purchases" represent just one of a plurality transactional methods for obtaining goods and services. Others are trade, rent, time-share or leasing. Hence, it would have been obvious to one of ordinary skill to use parameters that associated with buying, trading, rent... etc. Further, this data, i.e. data associated with a rental transaction, is non-functional, as the claim[14] does not define a structural relationship between the system and the description of the data. If "rental" is replaced with "trade", for example, the claimed system performs the same way.

3. Similarly, "maintenance history data" is also non-functional and descriptive material will not distinguish the claimed invention from the prior art in terms of patentability (*In re Gullack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)). Nonetheless, to one of ordinary skill, maintenance history data comprises descriptive information, VIN, condition and grade information to allow for proper vehicle identification, and description of the condition of a vehicle prior to service.

4, 5. Regarding classes of users, organizing data is helpful in terms of storing, retrieval and analysis. Erickson teaches organizing data by classes

(column 3, lines 1-13 and 42-51; column 9, lines 34-50). Hence, it would have been obvious to one of ordinary skill to organize data, using classification, whenever appropriate (e.g. "approved suppliers", "dealers", suppliers of a class of goods or services- construction, medical, computer hardware) (column 16, lines 1-18), where the name of the class is merely a matter of design choice. Erickson teaches a buyer assembling a subset of suppliers to receive a buyer interest in a good or service (column 8, lines 28-38), hence Erickson teaches, "a bidder classification parameter defining classes of users allowed to place a bid".

6. Erickson teaches user registration. Specifically, Erickson teaches a supplier submitting registration information by supplier class (column 7, lines 46-58), while Harrington et al. teach (claim 8) list price and minimum price (figure 15).

Claims 8 and 9

Harrington et al. teach "list price for a pre-determined period of time" and "minimum price". Regarding "bid defining parameters associated with one of a purchase, rent, or lease...", recall Erickson teaches first users providing bid definition parameters comprising amount of goods supplied, total bid cost or any other type of information desired by a first user (column 3, lines 63-65; column/line 3/66-4/5). Hence, it would have been obvious to include whatever information a first user felt necessary to include in order to receive the best

responses from suppliers, such as lease data. The Examiner would like to point out that, "list price...", "periodic lease amount..." and "minimum price" are also non-functional, descriptive data.

The Examiner maintains the art rejection to claims 1-21.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 in view of Berent et al., U.S. Patent No. 5,774,873.

As per claims 1-7, and 10-21, Erickson teaches an electronic system for facilitating transactions comprising:

- an asset configuration unit responsive to input data provided by a first user for generating a profile of an asset (e.g. asset specification data and parameters that define a bid) (figure 1; column/line 3/43-4/5)

- a market database for storing a plurality of asset profiles and a search module configured to search the database, generate an identification of assets according to the search parameters and displaying asset specifications (figures 1 and 5; column 3, lines 43-51; column 7, lines 35-67; column 8, lines 27-38; column 9, lines 3-67)
- a bid module to allow a user to bid on an asset and a communications interface to allow remote access to the system (figure 1; column/line 13/10-14/12)
- a bid history, choosing data from bid history and use it to complete a transaction (column 1, lines 28-39; column/line 3/42-5/21)

Regarding lease, rent or purchase data, it would have been obvious to one of ordinary skill to use the Erickson system to bid on contracts for the lease, rent or purchase of supplies using the data message feature or central database (column 9, lines 50-67; column/line 13/21-14/13) as these are well known methods for obtaining goods and services. Erickson also discloses user identification and classification data for describing a company (column 7, lines 44-67; column 9, lines 5-27 and 37-49) and a buyer searching the central database and creating a list of suppliers (column 8, lines 27-39). Hence, it would have been obvious for a company to characterize itself as a product "dealer" as it would facilitate a buyer locating and selecting a desired supplier (column 7, lines

56-62). However, Erickson does not explicitly recite maintenance information, Berent et al. teach a motor vehicle auction that includes maintenance history (column 9, lines 20-39). Berent et al. also teach bid and delivery dates (figure 7B; column 2, lines 11-14 and 22-26), as well as bid classification parameters that define classes of users allowed to bid on an asset (e.g. member class) (column 4, lines 38-52). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Erickson and Berent et al. in order to provide users with a trusted commerce system by allowing users to view vehicle history ('873, column 9, lines 20-39) along with other product information ('644, column 9, lines 50-67).

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson, U.S. Patent No. 6,014,644 in view of Berent et al., U.S. Patent No. 5,774,873 as applied to claims 4 above, and further in view of Harrington et al., U.S. Patent No. 6,161,099.

As per claims 8 and 9, Erickson teaches a communications network that allows users to bid on products (abstract; figure 1; column 2, lines 56-65). In addition, as Erickson teaches providing prospective buyers with product information such as class, price and any other type of information necessary to identify a particular product (column 9, lines 38-67) it would have been obvious to provide rental, lease or purchase data. Berent et al. teach an online auction

system that defines classes of users, such as those that are allowed to bid on an asset (column 4, lines 38-52). However, neither reference teaches a minimum price that a user must submit in order to define a valid bid. Harrington et al. teach an auction system that systematically validates bids according a minimum price (figure 12; column 10, lines 13-21). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Erickson, Berent et al. and Harrington et al. in order to allow a buyer to more efficiently review bids by only permitting bids that conform to a buyer's specification ('099, column 4, lines 56-67).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

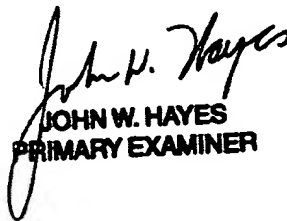
(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451
Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

July 1, 2003


JOHN W. HAYES
PRIMARY EXAMINER